

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CARL C. GILBERT, II,

Plaintiff,

v.

ORDER

TOM BENDER, JUSTINE STEINMETZ,
and DANIEL KATTENBRAKER,

20-cv-193-jdp

Defendants.

CARL C. GILBERT, II,

Plaintiff,

v.

ORDER

DANIEL KATTENBRAKER, ERIC NESS,
NATHAN HEGGESETH, LAURA THOMAS,
KAYLA REIMAN, JUSTINE STEINMETZ,
CARLA VENABLE, COLTON WINDERS,
DR. HORAN and MILE BLUFF MEDICAL CENTER,

20-cv-194-jdp

Defendants.

Plaintiff Carl C. Gilbert II is a civil detainee confined at Sand Ridge Secure Treatment Center. He has two pending cases in this court. In Case No. 20-cv-193-jdp, Gilbert alleges that defendant officers and medical staffers strapped him down to a bed for two days without clothes and forced him to take psychotropic drugs. In Case No. 20-cv-194-jdp, Gilbert alleges that state officials and private providers failed to provide him with adequate medical care for an injury to his right knee. I granted Gilbert's motion for the court's assistance in recruiting him counsel in the '194 case because that his medical care claims in that case would likely be too complex for Gilbert to litigate on his own. Dkt. 95 in the '193 case, at 2. But I denied his

motion for recruitment of counsel in the '193 case because his claims about being strapped to his bed likely wouldn't boil down to complex medical issues and because it is unlikely that the court would be able to find separate sets of attorneys to represent him in each of his cases. *Id.* at 2–3. This order addresses several filings by Gilbert in both cases.

A. Case No. 20-cv-193-jdp

Following my order denying Gilbert's motion to recruit counsel in the '193 case, defendants moved for summary judgment. Dkt. 197 in the '193 case. Gilbert renews his motion for recruitment of counsel and he seeks to stay summary judgment briefing until counsel is recruited. Dkt. 101; Dkt. 102; Dkt. 106 in the '193 case. But Gilbert hasn't provided any information that would change my reasoning for denying his previous motions to recruit counsel. This case should not be too complex for him and he can testify about the events using his own personal knowledge of what happened. I will give Gilbert a final chance to submit his materials opposing the motion for summary judgment; I will direct the clerk of court to attach the court's procedures for briefing summary judgment motions found in the attachments to the preliminary pretrial conference order. *See* Dkt. 88 in the '193 case. I will not consider further motions for recruitment of counsel until Gilbert responds to the summary judgment motion. If the case survives summary judgment, I will reconsider whether counsel will be necessary for trial.

Gilbert also states that defendants have not provided him with discovery he sought, including medical records and video footage of the events. He hasn't filed a properly supported motion to compel discovery including his requests and defendants' responses. And defendants have already stated that they've already sent him hundreds of pages of documents, including his medical records from the time in question. Nonetheless, to ensure that Gilbert has the

materials that he needs to oppose defendants' motion for summary judgment, I will direct defendants to respond to Gilbert and the court, explaining (1) whether Gilbert has access to his medical records at Sand Ridge; and (2) whether there exists any video footage of Gilbert's treatment during the time in question. If there is any video footage, defendants should promptly make that available to Gilbert and send a copy to the court.

B. Case No. 20-cv-194-jdp

Gilbert has filed a renewed motion for default judgment against defendants Dr. Horan and Mile Bluff Medical Center. Dkt. 106 in the '194 case. But this case is currently stayed pending recruitment of counsel, so I will deny this motion without prejudice. The court will continue to attempt to recruit counsel for Gilbert in the '194 case.

ORDER

IT IS ORDERED that:

1. Plaintiff Carl C. Gilbert's renewed motions for recruitment of counsel in Case No. 20-cv-193-jdp, Dkt. 101 and Dkt. 106 in that case, are DENIED.
2. Plaintiff's motion to stay the schedule in the '193 case, Dkt. 102 in that case, is DENIED.
3. Plaintiff may have until August 30, 2024, to file his opposition to defendants' motion for summary judgment in the '193 case. Defendants may have until September 9, 2024, to file a reply.
4. The clerk of court is directed to send plaintiff a copy of the attachments to the preliminary pretrial conference order in the '193 case.
5. Defendants in the '193 case may have until August 23, 2024, to respond to this order regarding Gilbert's medical records and video footage.

6. Plaintiff's motion for default judgment in Case No. 20-cv-194-jdp, Dkt. 106 in that case, is DENIED without prejudice.

Entered August 9, 2024.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge